

## DECLARATION

\_\_\_\_ ORIGINAL  
 \_\_\_\_ CONTINUATION  
**XX** CONTINUATION-IN-PART  
 \_\_\_\_ DIVISIONAL

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventor(s) (**Matthew G. Fishler, Gabriel A. Mouchawar, and Mark W. Kroll**) of the subject matter which is claimed and for which a patent is sought on the invention entitled :

**SYSTEM AND METHOD OF GENERATING AN OPTIMAL THREE-STEP DEFIBRILLATION WAVEFORM  
 FOR USE IN AN IMPLANTABLE CARDIOVERTER/DEFIBRILLATOR (ICD)**

the specification of which:

**XX** is attached hereto.  
 was filed on \_\_\_\_\_ as U.S. Application No. \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 C.F.R., Section 1.56.

<b>60/046,610</b>	<b>5/14/97</b>
(Application Serial No.)	(Filing Date)
(Application Serial No.)	(Filing Date)

I hereby claim the benefit under 35 U.S.C. Section 120, of any U.S. application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior U.S. application in the manner provided by the first paragraph of 35 U.S.C., Section 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R., Section 1.56, which became available between the filing date of the prior application and the national filing date of this application.

<b>09/803,371</b>	<b>March 9, 2001</b>	<b>Pending</b>
<b>09/073,394</b>	<b>May 5, 1998</b>	<b>Pending</b>
(Application Serial No.)	(Filing Date)	(Status)
(Application Serial No.)	(Filing Date)	(Status)

I hereby appoint the following attorney(s)/agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Jonathan T. Losk  
 Reg. No. 39,755

Lisa P. Weinberg  
 Reg. No. 33,290

Steven M. Mitchell  
 Reg. No. 31,857

Derrick Reed  
 Reg. No. 40,138

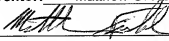
Address correspondence to:

Derrick Reed, Esq.  
 Pacesetter, Inc.  
 15900 Valley View Court  
 Sylmar, California 91392-9221

Direct telephone calls to:

818/493-2200

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Joint Inventor: Matthew G. FishlerSignature: Citizenship: US Date: 25 SEP 2001Residence: Huntington, New York 11743Post Office Address: 39 Artisan AvenueFull Name of Joint Inventor: Gabriel A. MouchawarSignature: Citizenship: US Date: 10-4-01Residence: Newhall, California 91321Post Office Address: 20052 Ave. of the OaksFull Name of Joint Inventor: Mark W. KrollSignature: Citizenship: US Date: 3 Oct 2001Residence: Simi Valley, California 93065Post Office Address: 493 Sinaloa Road

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Matthew G. Fishler; Gabriel Mouchawar; and Mark W. Kroll

Serial No.: Unknown

Art Unit: Unknown

Filing Date: Herewith

Examiner: Unknown

For: **SYSTEM AND METHOD OF GENERATING AN OPTIMAL  
THREE-STEP DEFIBRILLATION WAVEFORM FOR USE  
IN AN IMPLANTABLE CARDIOVERTER/DEFIBRILLATOR (ICD)**

Docket No.: 98P1008US02

**POWER OF ATTORNEY BY ASSIGNEE  
AND EXCLUSION OF INVENTOR UNDER RULE 37 CFR 3.71**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

The undersigned Richard R. Ames is a representative authorized to sign on behalf of the assignee of the entire interest in the above-identified subject application, **PACESETTER, INC.**, and hereby appoints:

Jonathan T. Losk  
Reg. No. 39,755

Lisa P. Weinberg  
Reg. No. 33,290

Steven M. Mitchell  
Reg. No. 31,857

Derrick Reed  
Reg. No. 40,138

as its attorneys/agents to prosecute this application and to transact all business in the United States with the provisions of Rule 32 of the Patent Office Rules of Practice.

**PACESETTER, INC.**, per 37 CFR 3.73(b), certifies that the evidentiary documents with respect to its ownership have been reviewed and that to the best of the undersigned's knowledge and belief, title is in the assignee seeking this action.

**PACESETTER, INC.**, declares that 100% ownership is established by the assignment

XX filed for recordation herewith.

       recorded in the U.S. PTO on                                 

a copy of which is attached.

Please direct all correspondence and phone calls relative to said application as follows:

Derrick Reed, Esq.  
Pacesetter, Inc.  
15900 Valley View Court  
Sylmar, CA 91392-9221  
818/362-6822 ext. 2200

ASSIGNEE:

**PACESETTER, INC.**

Signature:

Typed Name:

Title:

Address:

Richard R. Ames  
Richard R. Ames  
Vice President  
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15900 Valley View Court  
Sylmar, CA 91392-9221

Date: 10/9/01